

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 433

Introduced by Assembly Member Ammiano

February 24, 2009

An act to add Chapter 3.1 (commencing with Section 18934.10) to Part 2.5 of Division 13 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 433, as amended, Ammiano. Building standards: newly constructed buildings: ventilation systems.

The California Building Standards Law provides for the promulgation of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption.

~~This bill would require the commission to adopt or approve a building standard that requires newly constructed buildings containing 10 or more dwelling units located within a potential roadway exposure zone, as defined, and having a specified particular concentration at the proposed building site greater than a specified amount attributable to specified traffic sources to have ventilation systems designed and constructed to remove greater than 80% of ambient specified particular matter from habitable areas of those units. The bill would require the commission to create and update a potential roadway exposure zone map and would subject projects meeting the building standard to an air quality assessment. The bill would require the project developer to~~

~~submit a report to the commission that contains specified air quality information.~~

The bill would require, on or before July 1, 2012, the Department of Housing and Community Development to propose building standards to the California Building Standards Commission that create a standard for ventilation systems for newly constructed buildings located within 500 feet of freeways and roadways, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.1 (commencing with Section 18934.10) is added to Part 2.5 of Division 13 of the Health and Safety Code, to read:

CHAPTER 3.1. VENTILATION SYSTEMS

~~18934.10. The Legislature finds and declares all of the following:~~

~~(a) Motor vehicles are a major source of air pollution in the United States, particularly in urban areas.~~

~~(b) Pollution from motor vehicles imposes severe health burdens on children and families living near freeways and busy roadways. Health research has consistently shown that persons living in close proximity to freeways or busy roadways have poor lung functions and are more susceptible to asthma and other respiratory problems, compared with persons living at a greater distance.~~

~~(c) To avoid the health problems associated with exposure to roadway pollution, the State Air Resources Board recommends avoiding the placement of residential and other sensitive uses within 500 feet of busy freeways and other busy roadways. However, significant residential development in the state is occurring in urban infill sites, near freeways or busy arterial roadways, potentially increasing these residents' exposure to air pollutants and their associated health risks.~~

~~18934.11.—~~

~~18934.10. For purposes of this chapter, the following definitions have the following meanings:~~

1 (a) "Building" means a new residential structure containing 10
2 or more dwelling units.

3 (b) "Local roadway traffic sources" means traffic generated on
4 roadways within 500 feet from a building site.

5 (c) "PM 2.5" means solid particles and liquid droplets found in
6 the air, that are less than 2.5 micrometers in diameter.

7 (d) ~~"Potential roadway exposure zone" means those areas which,~~
8 ~~by virtue of their proximity to freeways and major roadways, may~~
9 ~~exhibit a high PM 2.5 concentration attributable to local roadway~~
10 ~~traffic sources.~~

11 (e) ~~"Potential roadway exposure zone map" means a map,~~
12 ~~prepared and periodically updated by the commission, and available~~
13 ~~to the public in the commission's Internet Web site, depicting~~
14 ~~potential roadway exposure zones.~~

15 18934.12. ~~The commission shall adopt or approve a building~~
16 ~~standard that requires newly constructed buildings containing 10~~
17 ~~or more dwelling units located within a potential roadway exposure~~
18 ~~zone and having a PM 2.5 concentration at the proposed building~~
19 ~~site greater than 0.2 micrograms per cubic meter (ug/m3)~~
20 ~~attributable to local roadway traffic sources to have ventilation~~
21 ~~systems designed and constructed to remove greater than 80 percent~~
22 ~~of ambient PM 2.5 from habitable areas of dwelling units.~~

23 18934.13. (a) ~~The commission shall create a potential roadway~~
24 ~~exposure zone map, depicting the potential roadway exposure~~
25 ~~zones in this state and periodically update the zone map to account~~
26 ~~for changes in zones, including, but not limited to all of the~~
27 ~~following:~~

- 28 (1) ~~Construction of new roadways in residential areas.~~
29 (2) ~~Changes in traffic patterns in state roadway systems.~~
30 (3) ~~Specific scientific data showing that certain areas should be~~
31 ~~included in the zone map.~~

32 (b) ~~The commission shall post the potential roadway exposure~~
33 ~~zone map on the commission's Internet Web site and make copies~~
34 ~~of the map available to the public, upon request.~~

35 (c) ~~In creating and updating the zone map, the commission shall~~
36 ~~make specific findings explaining the rationale behind the~~
37 ~~establishment of zone map boundaries.~~

38 18934.14. (a) ~~Projects that meet the building standard required~~
39 ~~pursuant to Section 18934.12 shall be subject to an air quality~~
40 ~~assessment to evaluate the concentration of PM 2.5 from local~~

1 roadway traffic sources at the building site. Upon completion of
2 the air quality assessment, the project developer shall submit to
3 the commission an air quality report containing all of the following
4 information:

5 (1) The names, addresses, and professional expertise of the
6 persons who conducted the air quality assessments.

7 (2) An explanation of the methodology used in the assessment.

8 (3) The results of the assessment.

9 (b) If the air quality report specified in subdivision (a) indicates
10 that the concentration level of PM 2.5 from local roadway traffic
11 sources at the site is less than 0.2 micrograms per cubic meter
12 ($\mu\text{g}/\text{m}^3$), the commission shall provide sponsors of the building
13 project with written notification that the project has complied with
14 the requirements of this chapter.

15 18934.15. (a) If the air quality report specified in Section
16 189934.14 indicates that the concentration level of PM 2.5 from
17 local roadway traffic sources at the site is greater than 0.2
18 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), a building project shall do
19 both of the following:

20 (1) Design or relocate the building site in a way that avoids
21 residential exposure to PM 2.5 concentration from Local Roadway
22 Traffic Sources greater than 0.2 micrograms per cubic meter
23 ($\mu\text{g}/\text{m}^3$), as demonstrated by the air quality report.

24 (2) Submit to the commission a ventilation proposal, prepared
25 by a licensed design professional, to install a ventilation system
26 that meets the building standard required pursuant to Section
27 18934.12. The proposal shall include a statement signed by the
28 licensed design professional certifying that in his or her judgment,
29 the ventilation system proposal is capable of removing greater than
30 80 percent of ambient PM 2.5 from habitable areas of dwelling
31 units.

32 (b) The ventilation system required by Section 18934.12 shall
33 be properly maintained. Building project sponsors shall preserve
34 documentation of system installation and maintenance for five
35 years.

36 18934.16. The air quality report, ventilation proposal,
37 certification, and other related documents shall become part of the
38 file maintained by the commission and be available to the public
39 upon request.

1 18934.11. On or before July 1, 2012, the Department of
2 Housing and Community Development shall propose building
3 standards to the California Building Standards Commission that
4 create a standard for ventilation systems for newly constructed
5 buildings located within 500 feet of freeways and roadways where
6 the annual average PM 2.5 concentration is greater than 12
7 micrograms per cubic meter (ug/m3). In developing the proposed
8 standards, the department should consult with the State Air
9 Resources Board and the State Energy Resources Conservation
10 and Development Commission (Energy Commission).

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